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09/774,968

01/31/2001

Marwan Zebian

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33356 7590 05/13/2008  
SoCAL IP LAW GROUP LLP  
310 N. WESTLAKE BLVD. STE 120  
WESTLAKE VILLAGE, CA 91362

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

05/13/2008

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: MARWAN ZEBIAN

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Application No. 09/774,968

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on March 27, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

**EXAMINER'S CONSIDERATION OF AMENDMENT**

The Examiner must consider and acknowledge receipt of the Amendment filed December 10, 2004, via written communication.

MPEP § 1206 states:

Examiners must respond to all amendments filed after appeal has been taken and prior to termination of the appeal. If the examiner indicates (in the advisory action) that an amendment would be entered, it is imperative for the examiner to also state (in the same advisory action) how the individual rejection(s) set forth in the final Office action will be impacted by the entry of the amendment except where an amendment merely cancels claims.

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Accordingly, it is

**ORDERED** that the application is returned to the Examiner for the following:

- 1) to consider the Amendment filed December 10, 2004; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: \_\_\_\_\_/s/\_\_\_\_\_  
DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

DMS/tsj

cc: SoCAL IP LAW GROUP LLP  
310 N. WESTLAKE BLVD. STE 120  
WESTLAKE VILLAGE, CA 91362

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